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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.22927 of 2021 (O&M)

Date of decision: 03.09.2021

Naresh Kumar Adlakha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gaurav Mohunta, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-17523-2021

Prayer in this application is for correcting the presence of counsel in the order dated 11.06.2021, appearing on behalf of the petitioner.

Heard.

For the reasons stated in the application, the same is allowed and the presence of counsel in the order dated 11.06.2021, shall now be read as 'Mr. Gaurav Mohunta, Advocate' instead of Mr. S.S. Bhinder, Advocate.

Disposed of.

CRM-M-22927-2021

The petitioner prays for grant of anticipatory bail in FIR No.104 dated 26.05.2021 under Sections 379/420/34 IPC registered at PS Sirhind, District Fatehgarh Sahib.

The operative part of the order dated 11.06.2021, vide which interim anticipatory bail has been granted to the petitioner, is

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reproduced as under:-

“...Learned counsel submits that the FIR has been registered only on the basis of secret information. In other words, he submits that there is no complainant in the case. No one has filed the complaint alleging any financial loss. He submits that the petitioner is only an agent who earns some commission which is approximately Rs.8000 to Rs.10,000 per transaction/trip.

Notice of motion.

On the asking, Mr. HS Sitta, AAG Punjab accepts notice through video conferencing.

Learned State counsel, on instructions, submits that in fact the petitioner's custodial interrogation is required as he may be involved in more than one trip where he is alleged to have caused losses to the complainant.

Faced with this, learned counsel for the petitioner submits that in order to show his bona fide, the petitioner would get an FDR made of Rs.5 lakhs in his own name and deposit the same with the Investigating Officer and would not encash the same till the final decision in the case and shall abide by the final order to be passed by the trial Court.

Counsel for the petitioner submits that the petitioner is ready to join the investigation. He submits that because of COVID situation also, retention of the petitioner behind the bars would be dangerous to his life.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer.

List on 03.09.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 11.06.2021, the petitioner has appeared before the Investigating Officer and joined the investigation and has also deposited the FDRs of Rs.5.00 lacs with the Investigating Officer, which will be renewed from time to time during the pendency of the trial.

Counsel for the State, on instructions from ASI Satwinder

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Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 11.06.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

03.09.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No